

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CASAS, BENJAMIN & WHITE, LLC

Plaintiff,

v.

Docket No: 1:04-CV-12333-MEL

THE POINTE GROUP, INC., a
Massachusetts corporation d/b/a The Pointe
Group Healthcare and Senior Living;
GERALD S. FREID; BARRY FREID; KEY
CORPORATE CAPITAL, INC.,

Defendants.

**DEFENDANT KEY CORPORATE CAPITAL, INC.'S CERTIFICATION PURSUANT
TO LOCAL RULE 16.1(D)(3)**

Pursuant to Local Rule 16.1(D)(3), the Defendant, Key Corporate Capital Inc., and its counsel hereby certify to the Court that they have conferred with respect to establishing a budget for the costs of conducting the full course of the litigation, as well as considering resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Dated: January 12, 2005

Respectfully submitted,

KEY CORPORATE CAPITAL, INC.

By its attorneys

NIXON PEABODY LLP

/s/W. Scott O'Connell

/s/ Rebecca McMahon
Senior Vice President &
Associate General Counsel
KeyCorp

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I hereby certify that on this 12th day of January, 2005, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties in this case by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/Courtney Worcester
One of the Attorneys for Defendants